

0011



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340 telephone
(801) 359-3940 fax
(801) 538-7223 TTY
www.nr.utah.gov

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Lowell P. Braxton
Division Director

OUTGOING
00070011

DIVISION OF OIL, GAS AND MINING FACSIMILE COVER SHEET

DATE: November 20, 2003

FAX #: 481-5351

ATTN: Paul Samuel

COMPANY: Bank One

DEPARTMENT: _____

NUMBER OF PAGES: (INCLUDING THIS ONE) 3

FROM: Pam

If you do not receive all of the pages, or if they are illegible, please call (801)538-5340. We are sending from a Sharp facsimile machine. Our telecopier number is (801)359-3940.

MESSAGE:

Not sure what this is?

Thanks. Pam

(My phone # is 538-5268)

Important: This message is intended for the use of the individual or entity of which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return this original message to us at the above address via regular postal service. Thank you.

FAX Cover Sheet



To: pam

From: VALERIE WHITE

Attn.:

Fax: 801-359-3940

Fax: 312-954-6163

cc:

Phone: 312-954-1923

Date: November 18, 2003

Page: 1 of 1

Re: 00336176



Type your message here.

Original

*FAX TO: Paul Samuel
481-5351*

From: Pam

RECEIVED

NOV 18 2003

DIV. OF OIL, GAS & MINING

"This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you."

BANK ONE, NA - 1717 MAIN STREET, 11TH FLOOR, DALLAS, TEXAS 75201

TELEPHONE: 1-888-525-9395

IRREVOCABLE STANDBY LETTER OF CREDIT NO. ST120510

1-800-634-1969

PLACE AND DATE OF ISSUE:
DALLAS, TEXAS 12/23/2002

DATE AND PLACE OF EXPIRY:
12/18/2003 IN DALLAS, TEXAS

APPLICANT:
M.B.S.C., LLC.
3212 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84105

ADVISING BANK:
NOT APPLICABLE

BENEFICIARY:
STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE, SUITE 1210
SALT LAKE CITY, UTAH 84114

AMOUNT: USD2,838,000.00
TWO MILLION EIGHT HUNDRED
THIRTY EIGHT THOUSAND AND
NO/100 U.S. DOLLARS

GENTLEMEN:

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR AVAILABLE BY BENEFICIARY'S SIGHT DRAFT(S) DRAWN ON BANK ONE, NA WHEN ACCOMPANIED BY THE ORIGINAL OF THIS CREDIT AND THE FOLLOWING DOCUMENT(S):

- BENEFICIARY'S SIGNED AND DATED STATEMENT STATING THAT: QUOTE - PURSUANT TO R645-301-880,900, HIAWATHA COAL COMPANY, INC. IS IN VIOLATION OF THE SURFACE MINING CONTROL AND RECLAMATION ACT THE REGULATORY SYSTEM, THE PERMIT AND THE RECLAMATION PLAN. - UNQUOTE

SPECIAL CONDITIONS:

PARTIAL DRAWINGS ARE PROHIBITED.

DRAFTS MUST BE MARKED: "DRAWN UNDER BANK ONE, NA CREDIT NO. ST120510."

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH ALL THE TERMS AND CONDITIONS OF THIS CREDIT WILL BE DULY HONORED IF DRAWN AND PRESENTED FOR PAYMENT TO BANK ONE, NA, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, AT 1717 MAIN STREET, 11TH FLOOR, DALLAS, TEXAS 75201 ON OR BEFORE THE EXPIRATION OF THIS LETTER OF CREDIT.

THIS LETTER OF CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 500.

AUTHORIZED SIGNATURE
BANK ONE, NA
SS:

***** P. 01 *****
 * TRANSACTION REPORT *
 * NOV-20-2003 THU 11:16 AM *
 * FOR: OIL, GAS & MINING 801 359 3940 *

 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *

 * NOV-20 11:15 AM 4815351 1'07" 3 SEND OK 731 *

 * TOTAL : 1M 7S PAGES: 3 *



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